THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 16555 of 2007

DATE: 03-08-2007

Between :

K.S.Nagamani

… Petitioner

And

Joint Collector,
Chittoor District,
Chittoor and 5 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 16555 of 2007

ORDER:

Pursuant to the notification issued by the 3rd respondent inviting applications for making appointment of a dealer in respect of the fair price shop of Charala village of Chowdepalli Mandal on permanent basis, the writ petitioner as well as the 6th respondent herein have submitted their applications. The 3rd respondent vide order dated 13-06-2007 appointed the 6th respondent herein as the authorized dealer. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent along with an application seeking stay of appointment of the 6th respondent. Though the appeal was entertained, the 1st respondent by order dated 10-07-2007 rejected the application for stay. Questioning the said order dated 10-07-2007, this writ petition has been filed.

It is contended by the learned counsel for the petitioner that the appointment of the 6th respondent is *ex facie* illegal since she suffered disqualification under clauses 12(xv) and 12(xvii) of the guidelines prescribed under G.O.Ms.No.53 dated 06-10-2003. That apart since the 6th respondent is not a permanent resident of Charala village on that ground also she is not eligible for appointment. Therefore the 1st respondent committed a grave error in not granting stay as prayed by the petitioner, pending the appeal.

As per clause 12(vx) of the guidelines dated 06-10-2003 the

candidates who have any connection with any other business directly or indirectly are ineligible for appointment as fair price shop dealer. Similarly, as per clause 12(xvii), the candidates who have already been benefited under any other Government Schemes shall not be appointed as dealers of the fair price shops. Whether the 6th respondent suffered such disqualification or not is a matter for enquiry by the 1st respondent in the main appeal. Pending the appeal, the 1st respondent-appellate authority thought it fit to continue the 6th respondent who was selected and appointed as the dealer by the 3rd respondent. The said discretion exercised by the 1st respondent cannot be held to be arbitrary or unreasonable and I do not find any justifiable reason to interfere with such discretionary order while exercising the extraordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. However, the 1st respondent is directed to dispose of the appeal pending on his file following due process of law as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Date:03-08-2007

Note: Issue C.C. in three days.

B/o

KLP